

PHARMACY EXAMINING BOARD  
REGULAR MEETING  
JUNE 13-14, 2000

MEMBERS PRESENT: John Bohlman, RPH; Charlotte Rasmussen; Sue Sutter, RPH;  
Michael Bettiga, RPH; Cynthia Benning, RPH; Dan Luce, RPH;  
Georgina Forbes

LEGAL COUNSEL: William Black

STAFF PRESENT: Kimberly Nania, Karen Rude-Evans

GUESTS: Susan Kleppin, Brett Petta, Ron Hermes, Dennis Koblenksi, J.  
Paynter, Brian Jensen, Diane Darvey, Tom McGregor, Meka  
Okonkwar, Greetta Cherayil, Betsy Carlisle, Lisa Reese, Scott  
Whitmore, Joe Wiederholt, Jeremy Van Buren, Carol McCoshen,  
Lisa Reese, Larry Edwards, Adonnas Nehls, Rebecca Tillou,  
Carrie Boeckelman, Betty Chewning, David Kreling, Paul  
Rosowski

CALL TO ORDER

Chair John Bohlman called the meeting to order at 12:35 p.m.

APPROVAL OF AGENDA

Amendments: -Variance request from Wal-Mart  
-Sterile Products Rule  
-Phar 2.06 discussion  
-Proposed stipulation for Celletech, Inc.  
-Requests for three month stays of suspension for Dennis Kleingartner and  
Marilyn Kuhrt  
-Update on drafting legislation for a standard Wisconsin prescription insurance  
card  
-Discussion of collaborative practice scope statement and insurance provision  
issues

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve the  
agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 17, 2000

Amendment: -on page 1, under "DONN ROWE, RPH...", in the first sentence change "David"  
to "Donn".

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to approve the  
minutes of May 17, 2000 as amended. Motion carried unanimously.

## REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

### SECRETARY CUMMINGS

Secretary Cummings was not available.

### DISTRIBUTOR APPLICATIONS

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to approve the distributor applications for **Darby Fulfillment Services, LLC**, TN; **Exel Logistics, PA**; **Usco Distribution Services, Inc.**, NV; **Usco Distribution Services, Inc.**, TN; **Walgreens #6229**, Appleton; **Walgreens #6231**, Green Bay; **Walgreens #6233**, Janesville; **Walgreens #6235**, Stevens Point; **Walgreens #6234**, Wausau; **Walgreens #6236**, Wauwatosa; and **Diagnostic Imaging, Schofield**. Motion carried unanimously.

### VARIANCE REQUESTS

#### ROESCHEN'S PHARMACY, MILWAUKEE

MOTION: Dan Luce moved, seconded by Cynthia Benning, to approve the 3:1 ratio for Roeschen's Pharmacy, Milwaukee. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to make it a policy of the Board that future variance requests for a 3:1 ratio for closed system, institutional setting pharmacies will be considered for approval until the final rules are completed. Motion carried unanimously.

### WAL-MART

The Board reviewed the letter from Bruce Painter, R.Ph., from Wal-Mart Pharmacy Division. Variances are not granted to pharmacies that do not have a common central file.

### NABP RESOLUTIONS PASSED AT NATIONAL MEETING HELD MAY 6-10, 2000

This item was informational, and the Board reviewed and discussed the resolutions.

### BEGIN PLANNING PROCESS FOR FALL 2001 DISTRICT IV NABP MEETING

Dan Luce volunteered to take charge of setting up the District IV 2001 fall meeting. Michael Bettiga will assist. John Bohlman will meet with Patrick Braatz and Marlene Cummings to discuss the Board's role and fund raising issues. Next month's agenda should include establishing a steering committee for coordinating NABP/AACE District IV meetings.

## PRACTICE QUESTIONS

MATT JOHNSON, RPH/CHET JOHNSON DRUGS, INC.

In response to a question from Matt Johnson, R.Ph., the stores' computers must be linked.

DENNIS KOBLENSKI, RPH/SYNCOR PHARMACY SYSTEMS

Dennis Koblenksi, R.Ph., made a personal appearance. The Board tabled a decision to the next meeting to allow Mr. Koblenksi time to provide data on other states' decisions on this issue.

JEFF LANGER, RPH/THE PET APOTHECARY LLC

The Board reviewed correspondence from Jeff Langer, R.Ph. Pharmacists can compound for veterinarians for individual veterinary patients. Pharmacists cannot compound for resale by a veterinarian, as this would be considered manufacturing. The Board suggested Mr. Langer contact other states for their laws.

SUNSCRIPT/HRA-MILWAUKEE PHARMACY  
STEVEN F SCHMIDT, RPH

The Board thanks Mr. Schmidt for his letter and has taken his request under advisement.

DAVID WUNROW, RPH/MARSHFIELD CLINIC

William Black will draft a letter to Mr. Wunrow informing him that to avoid distribution issues, the physician must own the medication and the physician must then dispense the medication.

RON HITZKE, RPH/LUTHER HOSPITAL PHARMACY

The pharmacy cannot courier prescriptions filled at one pharmacy to another pharmacy for distribution to the patients. The request for a variance was not denied, but the Board requested additional information from Luther Hospital. These issues will be further addressed in telepharmacy discussions in the future.

## STERILE PRODUCTS

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, that the Board interprets PHAR 15.11(3) as being complied with if the facility has policies and procedures in place for testing.

REQUEST FOR VARIANCE FOR A PROPOSED COORDINATING REFILL  
PRESCRIPTION PROGRAM/MEDICINE SHOPPE, TWO RIVERS

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to approve the variance for the Medicine Shoppe, Two Rivers, to the dispensing system as this system is within a company with a central common file, and the pharmacy must have an accurate log verifying the identity of the counseling

pharmacist and the identity of the pharmacy where the prescription was actually filled. Motion carried unanimously.

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to go forward with a scope statement on the central fill process. Roll Call Vote: John Bohlman – yes, Charlotte Rasmussen – yes, Sue Sutter – yes, Michael Bettiga – yes, Cynthia Benning – no, Dan Luce – yes, Georgina Forbes – yes. Motion carried.

#### SCOPE STATEMENT RELATING TO COLLABORATIVE PRACTICE

Chair John Bohlman will appoint a committee of professional members to review collaborative practice.

#### SCOPE STATEMENT RELATING TO ALLOWING THE NAME OF A PHARMACY SERVICE TO BE IMPRINTED ON PRESCRIPTION BLANKS

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to publish the scope statement allowing the name of a pharmacy service to be imprinted on prescription blanks. Motion carried unanimously.

#### PHAR 2.06 DISCUSSION

William Black will review and determine if a scope statement can include all of Phar 2.06.

#### RECESS

The meeting recessed at 4:47 p.m. on June 13, 2000.

#### RECONVENE

The meeting reconvened at 9:06 a.m. on June 14, 2000.

#### PRESENTATION OF PROPOSED STIPULATIONS

##### VENCARE PHARMACY SERVICES, APPLETON

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Vencare Pharmacy Services, Appleton. This matter will be deliberated on in closed session.

##### CELLETECH, LTD

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Celletech, Ltd. This matter will be deliberated on in closed session.

##### KENNETH ENGEL, RPH

Attorney Arthur Thexton presented a proposed decision in the matter concerning Kenneth Engel, R.Ph. This matter will be deliberated on in closed session.

## MICHAEL J O'KRAY, RPH

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Michael J. O'Kray, R.Ph. This matter will be deliberated on in closed session.

## PUBLIC HEARINGS

### DELIVERY OF PRESCRIPTIONS AND DELEGATION OF DUTIES BY A PHARMACIST

The public hearings began at 9:30 a.m. Several speakers addressed the board expressing their opinions on these two issues. The public hearings concluded at 10:37 a.m.

### REPORT OF PHARMACY INTERNSHIP BOARD

Cynthia Benning reported that 88 students are serving internship programs, and 9 are out of state.

### REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported on the rescheduling rule. The CSB is considering if pseudoephedrine should be scheduled, as it is a precursor of methamphetamine.

### REVIEW OF PROPOSED RULES RELATING TO AUTOMATED DISPENSING OF PRESCRIPTION DRUGS

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to have William Black write the final draft of the proposed rule changes and have John Bohlman proof the final draft before it goes to the legislative committee. Motion carried unanimously.

### SCOPE STATEMENT ELIMINATING THE REQUIREMENT FOR PATIENT CONSULTATION EXAMINATION

MOTION: Dan Luce moved, seconded by Georgina Forbes, to redo this scope statement to encompass all of Phar 2.06 and update references to federal statutes and to reinforce the counseling and consultation process. Motion carried unanimously.

### REVIEW OF DISTRIBUTION OF OUTPATIENT SUPPLY OF TIKOSYN BY PFIZER

The Pfizer representative outlined the distribution of Tikosyn. Tikosyn does not need Board approval or jurisdiction.

## RECESS TO CLOSED SESSION

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, deliberation of a proposed

decision, considering requests for three month stays of suspension and changes in board orders, reviewing case status reports, discussion of exam issues and consulting with legal counsel. Roll call vote: John Bohlman – yes, Charlotte Rasmussen – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce- yes, Cynthia Benning – yes, Georgina Forbes – yes. Motion carried unanimously.

Open session recessed at 12:30 p.m.

#### RECONVENE IN OPEN SESSION

MOTION: Dan Luce moved, seconded by Sue Sutter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 3:57 p.m.

#### VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

##### STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

###### DENNIS DEFENBAUGH, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the three month stay of suspension and the reduction of urine screens from four to two per month for Dennis Defenbaugh, R.Ph. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to return Dennis Defenbaugh, R.Ph., to unlimited status when the expiration of the order is determined. Motion carried unanimously.

###### CORY FORD, RPH

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to approve the three month stay of suspension for Cory Ford R.Ph. Motion carried unanimously.

###### WILLIAM KARWOSKI, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to approve the three month stay of suspension for William Karwoski, R.Ph. Motion carried unanimously.

###### DAVID KLEINGARTNER, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to approve the three month stay of suspension for David Kleingartner, R.Ph, and to grant only an additional four hours, for a total of 16 hours, as pharmacist in charge. Mr.

Kleingartner cannot exceed eight consecutive hours and cannot open and close back to back or on the same day. Motion carried unanimously.

RALPH KOCH, RPH

MOTION: Sue Sutter moved, seconded by Dan Luce, to approve the three month stay of suspension for Ralph Koch, R.Ph. Motion carried unanimously.

MARILYN KUHRT, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the three month stay of suspension for Marilyn Kuhrt if the pending necessary paperwork is received by the Department by June 24, 2000. Motion carried unanimously.

JAMES MEYER, RPH

MOTION: Dan Luce moved, seconded by Georgina Forbes, to approve the three-month stay of suspension for James Meyer, R.Ph. Mr. Meyer can go to a total of 8 hours as pharmacist in charge, with no more than four consecutive hours, and he cannot open or close. Motion carried unanimously.

PAUL NELSON, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the three month stay of suspension for Paul Nelson, R.Ph. Mr. Nelson must stay with his current therapist until a referral is arranged. Motion carried unanimously.

JOHN SCHMITT, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to deny the three month stay of suspension for John Schmitt, R.Ph., as he had positive drug screens, and to refer this matter to DOE for non-compliance. Michael Bettiga abstained. Motion carried.

MOTION: Cynthia Benning moved, seconded by Dan Luce, to write a letter to Paula Depner (John Schmitt's therapist), that she is being removed from the Department's list of approved therapy providers, and to inform DHFS of the Board's concerns regarding Ms. Depner. The Board also wants a review of cases to see if Ms. Depner is serving any other clients and Boards. Motion carried unanimously.

PROPOSED STIPULATIONS/DECISIONS

VENCARE PHARMACY SERVICES, APPLETON

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to adopt the proposed stipulation for Vencare Pharmacy Services, Appleton. Case Advisor – John Bohlman. Motion carried unanimously.

KENNETH ENGEL, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to accept the Findings of Fact and Conclusions of Law and to dismiss this case. Case Advisor – John Hoffmann. Motion carried unanimously.

CELLETECH, LTD

MOTION: Dan Luce moved, seconded by Cynthia Benning, to adopt the proposed stipulation and accept the surrender of the license in the matter concerning Celletech, Ltd. Motion carried unanimously.

MICHAEL J O'KRAY, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to adopt the proposed stipulation in the matter concerning Michael J. O'Kray, R.Ph. Case Advisor – Dan Luce. Motion carried unanimously.

CASE STATUS REPORT

PARTNERS FAMILY PHARMACY/LEO NICKASCH, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to close complaint 00 PHM 007 with an administrative warning to Leo Nickash, R.Ph., and to close the complaint against Partners Family Pharmacy for no violation. Case Advisor – Michael Bettiga. Motion carried unanimously.

WALGREENS #5002/CHARLES CHEVERIAT, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to close complaint 00 PHM 008 for prosecutorial discretion against Charles Cheveriate, R.Ph, and close for no violation against Walgreens #5002. Case Advisor – Cynthia Benning. Dan Luce abstained. Motion carried.

HARWOOD SERV-U PHARMACY

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to close complaint 99 PHN 021 against Harwood Serv-U Pharmacy for prosecutorial discretion. Motion carried unanimously.

MICHAEL CURTIS, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to close complaint 98 PHM 062 against Michael Curtis, R.Ph., for prosecutorial discretion. Motion carried unanimously.

#### EXAM SCORES

MOTION: Dan Luce moved, seconded by Cynthia Benning, to approve the exam scores. Motion carried unanimously.

#### INFORMATIONAL ITEM

The Board reviewed an update on drafting legislation for a standard Wisconsin drug card.

#### ADJOURNMENT

The meeting adjourned by consensus at 4:31 p.m.

Phar061300